

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America,

v.

Kendrick Naveed Corbin,
Movant.

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OPINION AND ORDER

Cr. No. 7:22-0842-1

C.A. No. 7:24-0045-HMH

An untitled letter has been submitted by the defendant, filing pro se, to this court for consideration. The Court construes this letter as a 28:2255 Motion to Vacate, Set Aside, or Correct Sentence. The Clerk of Court has filed the pleading as of the date it was received in this office; however, this action is not “in proper form.”

The Administrative Office of the United States Courts has provided approved forms for filing motions to vacate under 28 U.S.C. § 2255. The correct form for a motion under 28 U.S.C. § 2255 is AO form 243. The Clerk of Court is directed to provide Movant with the proper form for filing the motion, and if Movant wishes to proceed with this action as a Motion to Vacate, he is directed to submit an amended motion on the court-approved form for filing a § 2255 motion.

To the extent that the defendant is requesting appointment of counsel, Corbin has no constitutional right to counsel in a collateral attack on a prisoner's conviction and has failed to show that the “interests of justice” require that he be appointed counsel. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); 18 U.S.C. § 3006A(a)(2)(B). Therefore, the court denies the motion to appoint counsel.

Movant is given **21 (twenty-one) days from the date of this order** to submit his 2255

motion in proper form. If Movant fails to provide to the Clerk of Court a Motion to Vacate on the proper form within the period prescribed in this order, the Office of the Clerk of Court shall forward the file in the above-captioned case to the United States District Judge assigned to this case for a final order on the pleading as currently submitted by the Movant.

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
Senior United States District Judge

January 4, 2024
Greenville, South Carolina